IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9989 of 1996

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHARATBHAI M PATEL - Petitioner(s)

Versus

DP INDUSTRIES & 1 - Respondent(s)

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Appearance :

MR GM JOSHI for Petitioner No(s).: 1.

MR PRAKASH K JANI for Respondent No(s).: 1.

RULE SERVED for Respondent No(s).: 2.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 20/07/2005

ORAL JUDGMENT

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1. This petition is directed against the award dated 31st July, 1996 passed by the Labour Court, Ahmedabad in Reference [L.C.A.] No. 2165 of 1983 whereby the said Reference was rejected.

2. The short facts of the case are that the petitioner was a permanent employee of the respondent and was working as such since many years. It is the case of the petitioner that the respondent without following any procedure under the Industrial Disputes Act, 1947 terminated his service w.e.f. 30th June, 1981. Being aggrieved by the said order, the petitioner raised an industrial dispute which was ultimately referred to the Labour Court, Ahmedabad, for adjudication. The Labour Court after appreciating the materials produced before it rejected the said Reference. Hence, this petition.

3. I have heard the learned counsel for the parties. Having perused the materials produced on record, it transpires that the Labour Court while rejecting the Reference has concluded that the services of the petitioner were terminated on account of closure of the firm, after following the mandatory provisions as provided under the Industrial Disputes Act, 1947. Hence, I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court in the impugned award and find no interference in the matter.

4. In above view of the matter, the petition is dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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